

## CHAPTER 28

### CENTER FOR LAW AND MILITARY OPERATIONS (CLAMO)

#### REFERENCES

1. Dep't of the Army, Field Manual 27-100, *Legal Support to Operations*, 1 March 2000.
2. Dep't of the Army, Field Manual 101-5, *Staff Organization and Operations*, 31 May 1997.

#### 1. OVERVIEW

The primary purpose of this Chapter is to familiarize judge advocates (JAs) with the Center for Law and Military Operations (CLAMO) and the U.S. Army's Combat Training Centers (CTCs), and to assist JAs in preparing for and executing deployments.

#### 2. CLAMO: A RESOURCE

##### a. Mission

**The Center for Law and Military Operations** is a resource organization for JAs in the Army, Marine Corps, and throughout the Department of Defense. It was created in 1988 by a Secretary of the Army directive, and is an independent organization located at The Judge Advocate General's School, U.S. Army (TJAGSA), in Charlottesville, Virginia. The Center's mission is to examine legal issues that arise during all phases of military operations and to devise training and resource strategies for addressing those issues. It seeks to fulfill this mission in five ways:

- It is the central *repository* within The Judge Advocate General's Corps for data/information, memoranda, after-action materials, and lessons learned pertaining to legal support to operations, foreign and domestic.
- It supports JAs by *analyzing* all data and information, *developing lessons learned* across all military legal disciplines, and by *disseminating* these lessons learned and other operational information to military services and joint communities through publications, instruction, training, and databases accessible to operational forces worldwide.
- It supports JAs in the field by responding to *requests for assistance*, by engaging in a continuous exchange of information with the CTCs and their JA observer-controllers (O/Cs), and by creating operational law *training guides*.
- It *integrates lessons learned* from operations and the CTCs into emerging *doctrine* and into the *curricula* of all relevant courses, workshops, orientations, and seminars conducted at TJAGSA.
- In conjunction with TJAGSA, it sponsors *conferences and symposia* on topics of interest to operational lawyers.

The Center contributes to the JAGC's operational role by reviewing doctrinal and resource development, through education and training, and by providing assistance during operations. All of the Center's initiatives enhance legal support to operations within the Army, the Marine Corps, and throughout the Department of Defense. The Center focuses on the practice of operational law—all domestic, foreign, and international law that directly affects the conduct of operations.

##### b. Initiatives

The Center's Prior Initiatives include—

- *Law and Military Operations in Haiti, 1994-1995: Lessons Learned for Judge Advocates* (Dec. 1995)
- *Nuremberg and the Rule of Law: A Fifty-Year Verdict* (1995)

- *In the Operations Center: A Judge Advocate's Guide to the Battle Command Training Program* (1996)
- *Tackling the Contingency Deployment: A Judge Advocate's Guide to the Joint Readiness Training Center* (Dec. 1996)
- *An Introduction to the Combat Training Centers* (1998)
- *Law and Military Operations in the Balkans, 1995-1998: Lessons Learned for Judge Advocates* (Nov. 1998)
- *Deployed Judge Advocate Resource Library* (on CD) (Oct. 1999)
- *Field Manual (FM) 27-100, Legal Support to Operations* (With the Combat Developments Department, TJAGSA) (Mar. 2000)
- *Rules of Engagement Handbook for Judge Advocates* (May 2000)
- *Law and Military Operations in Central America: Hurricane Mitch Relief Efforts, 1998-1999: Lessons Learned for Judge Advocates* (Sept. 2000)
- *Deployed Judge Advocate Resource Library 2d Edition* (on CD)(Oct. 2000)
- *Domestic Operational Law Handbook for Judge Advocates* (Apr. 2001)
- *Deployed Judge Advocate Resource Library 3d Edition* (on CD)(Oct. 2001)
- *Law and Military Operations in Kosovo, 1999-2001: Lessons Learned for Judge Advocates* (Dec. 2001)

**c. Internet Resource Databases**

In addition to publishing guides for the operational law practitioner, the Center creates and maintains Internet accessible databases. The Center has created over fifteen databases with more than 2,600 primary source documents, directives, regulations, country law studies, graphic presentations, photographs, and items of legal work product accessible via installation Lotus Notes servers or the Internet at [www.jagcnet.army.mil/clamo](http://www.jagcnet.army.mil/clamo) for registered users. Topical databases include—

Domestic Operational Law (DOPLAW)	Noncombatant Evacuation Operations (NEO)
Kosovo	War Crimes
Bosnia: Operations Joint Endeavor & Guard	27D Operations (Paralegal Specialists)
General Operational Law Materials	Korea
Rucksack Deployable Law Office and Library	Operations Enduring Freedom and Noble Eagle
Country Materials	Unclassified Status of Forces Agreements
United Nations Resolutions	General Accounting Office Reports
Rules of Engagement (ROE)	Marine Air-Ground Task Force (MAGTF) materials
Combat Training Centers (CTCs)	

**To access the databases:**

- If you are a first time user (do not have or have lost your JAGCNet user name and/or password):
  - Go to [www.jagcnet.army.mil](http://www.jagcnet.army.mil) web site.
  - Click the "Enter JAGCNet" button.
  - Click the "Register" button.
  - Follow the instructions.
- If you already have a JAGCNet user name and password:
  - Go to the CLAMO home page site directly at [www.jagcnet.army.mil/clamo](http://www.jagcnet.army.mil/clamo) OR go to the [www.jagcnet.army.mil](http://www.jagcnet.army.mil) web site and click the "Center for Law and Military Operations" button.
  - Click the "CLAMO Databases" button.

The Center also maintains a database of classified materials.

**To access the classified databases:**

- Go to [www.us.army.smil.mil](http://www.us.army.smil.mil) (*Army Knowledge On-line Secure (AKO-S)*). First-time users will have to register with AKO-S.
- Click on the CLAMO symbol. First-time users will have to register with CLAMO.

Note that it could take two to three days for first-time users to gain access.

**d. The Army JAG Corps' JAGCNet Databases**

In addition to the CLAMO databases, the Army's Judge Advocate General's Corps maintains databases on all core legal disciplines, available to registered users at [www.jagcnet.army.mil](http://www.jagcnet.army.mil). Among others, JAG Corps databases include the following—

Administrative Law	Ethics – Attorney Professional Responsibility
Contract Law	Ethics – Standards of Conduct
Environmental Law	Medical Legal Issues
Labor and Employment Law	Judge Advocate Leader Development
International and Operational Law	Government Appellate Division Brief Bank
Legal Assistance	U.S. Army Trial Defense Services (TDS)
Claims	Military Justice – Criminal Law

**To access the databases:**

- If you are a *first time user (do not have or have lost your JAGCNet user name and/or password)*:
  - Go to [www.jagcnet.army.mil](http://www.jagcnet.army.mil) web site.
  - Click the “Enter JAGCNet” button.
  - Click the “Register” button.
  - Follow the instructions.
- If you already have a JAGCNet user name and password:
  - Go to [www.jagcnet.army.mil](http://www.jagcnet.army.mil) web site
  - Click the “Enter JAGCNet” button.
  - Click the “Enter” button.”
  - If the databases are not already listed, click the “Databases” button.

**e. The Center's Organization**

The Director of CLAMO is also the Chief, International and Operational Law Division, Office of The Judge Advocate General, located in Rosslyn, Virginia. The Deputy Director manages the main office in Charlottesville, Virginia, and is responsible for the Center's daily operations. The Center is also staffed with a Director, Domestic Operational Law (DOPLAW), a Director, Training & Support, a Marine Corps (USMC) Representative, two Advanced Operational Law Studies (AOLS) Fellows, and a part-time automation technician.

The Director, DOPLAW, is the primary point of contact for legal issues arising out of domestic support operations and also handles all Army National Guard and Reserve Component legal issues. The Director, Training & Support's primary mission involves providing assistance to individuals and units preparing to deploy or deployed on both exercises and real-world missions, as well as coordinating with the JAs and 27Ds at the CTCs to identify current legal issues and trends that rotational units confront. The USMC Representative addresses all Marine-specific issues and is the primary coordinator, along with the Automation Technician, for the Center's databases and Deployed JA CD. Lastly, the AOLS Fellowship positions are filled by post-Graduate Course officers who spend on year working in the Center gaining additional operational law experience by deploying on real-world missions and to the CTCs to observe and assess current

operations and the legal issues involved therein. In addition to the specific responsibilities outlined above, all of these individuals participate in the production of the Center's various publications.

The Center collects materials from JAs and paralegals deployed in support of contingency operations around the globe. The Charlottesville office also maintains formal links to the Army's four CTCs, where JAs are assigned full-time to the Operations Groups that train Army, joint, and multinational forces. The Assistant Judge Advocate General for Military Law and Operations approves all of the Center's projects, preserves the independence of its analyses, and ensures that its work remains responsive to the needs of the Army and the joint service community of operational lawyers.

Director	COL David E. Graham
Deputy Director	LTC Stuart W. Risch
Director, Domestic Operational Law	Vacant
Director, Training & Support	MAJ Alton L. Gwaltney, III
USMC Representative	Maj Cody M. Weston, USMC
Advanced Operational Law Studies Fellows	MAJ Michael L. Kramer
	MAJ Mark W. Holzer
Automation Technician	Mr. Benjamin R. Morgan

Judge Advocate Observer-Controllers (O/Cs) and Observer-Trainers (O/Ts) at the Combat Training Centers (CTCs):

Battle Command Training Program (BCTP)	3 JA Observer-Trainers
Combat Maneuver Training Center (CMTC)	1 JA Observer-Controller
Joint Readiness Training Center (JRTC)	3 JA and 1 27D Observer-Controllers
National Training Center (NTC)	2 JA Observer-Controllers

More information on the CTCs and contact information for the individual O/Cs and O/Ts is available in CLAMO's *Combat Training Centers* database (see par. 2.C. above).

#### **f. Contacting the Center**

The Center invites contribution of operational law materials, ideas from the field, comments about its products, and requests for information. E-mail, call, or write to request or submit materials. E-mail CLAMO at CLAMO@hqda.army.mil, or via SIPRNET e-mail at CLAMO@hqda-s.army.smil.mil. Write to the Center for Law and Military Operations, 600 Massie Road, Charlottesville, Virginia 22903-1781. Call the Center at (434) 972-6339/6448, or via DSN 488-6339/6448. Finally, you may visit the CLAMO web page at [www.jagcnet.army.mil/clamo](http://www.jagcnet.army.mil/clamo).

### **3. COMBAT TRAINING CENTER (CTC) PARTICIPATION**

The Army employs four combat training centers (CTCs): The Joint Readiness Training Center (JRTC), the National Training Center (NTC), the Combat Maneuver Training Center (CMTC), and the Battle Command Training Program (BCTP). These four CTCs, along with the Joint Warfighting Center (JWFC), train all components of the fighting force. Each of the CTCs focuses on specific warfighting elements. This section will describe the CTCs and the JWFC, who they train, and the role of the judge advocate at each.

#### **a. The Joint Readiness Training Center (JRTC)**

The JRTC is located at Fort Polk, Louisiana. This CTC focuses primarily on training light infantry brigade task forces in low-to-mid-intensity conflict. This is accomplished through the use of tough, realistic training conditions.

Each fiscal year, JRTC conducts eight rotations and two Mission Readiness Exercises (MREs). A single rotation consists of 16 days. This time is divided roughly as follows: Days 1-4 are spent in the Intermediate Staging Base (ISB) and days 5-16 are spent performing the exercise itself ("in the box").

A typical training scenario at JRTC includes a brigade-sized joint task force deploying to the fictional island of Aragon to support the friendly nation of Cortina. In addition to the approximately 3,500 troops supporting the brigade, there are also approximately 1,500 troops supporting echelons above division (EAD) units during a normal rotation. These EAD units usually include a combat hospital as well as a corps support group. The permissive or forced entry of coalition forces into Cortina is intended to improve stability in the region by quelling an ongoing insurgency in Cortina. A non-MRE rotation generally has three operational phases. First is an insertion and counter-insurgency operation; second is a defense (in response to an Atlantican attack); and third is an attack into a state-of-the-art Military Operations in Urban Terrain (MOUT) complex.

Numerous forces augment the airborne, air assault, and light infantry brigades to provide flexibility and “light-heavy” integration. Such forces include mechanized and armor units, special operations forces, Air Force Air Combat Command forces, and Naval, Marine Aviation and Marine Air Naval Gunfire Liaison Company (ANGLICO) units.

Due to the low-to-mid intensity environment, the different phases of the operation, and the various parties involved, JRTC is a legally rich training environment. In the Entry/Counter-Insurgency Phase, JAs will encounter issues such as the international justification for the entry of U.S. and other friendly forces, use of facilities, justification for the use of force, and the collection of intelligence from civilians. This phase also stresses issues relating to rules of engagement (ROE), security assistance, nation assistance, and force protection. In the Defensive Operations phase, additional issues arise, such as noncombatant evacuation operations (NEOs), requests for political asylum, the handling of refugees, and other diplomatic issues. Atlantican attacks will also trigger application of the law of war and civilians may have to be physically cleared from the battlefield. In the Offensive Operations Phase, JAs will encounter still more issues, such as maneuver damage claims, weapons and targeting issues, peculiarities relative to operations on urban terrain, the handling of prisoners of war, and issues relating to the occupation of territory.

While in Cortina, U.S. forces encounter many difficult situations dealing with civilians. Units will deal with civilians on the battlefield (COBs), including those supporting the Cortinian democratic government (pro-U.S.), Cortinians espousing the overthrow of the Cortinian government (anti-U.S.), Atlantics posing as Cortinians (anti-U.S.), and neutrals who can be swayed. Rotational units will also encounter non-governmental organizations, competing governmental organizations, political parties, news media, Cortinian police and paramilitary forces, and uniformed and non-uniformed insurgent military forces.

Mission Rehearsal Exercises (MREs) are generally shorter in duration (approximately 12 days in length) but include many of the legally intense issues associated with a peacekeeping deployment. They are currently used to train both AD and NG units that are due to assume the rotations in Bosnia and Kosovo. These exercises attempt to replicate the COBs and issues that will be encountered by the unit in either Balkan location.

There are four observer/controllers (O/Cs) at JRTC, three JAs and one 71D NCO. Their role is to teach, coach, and mentor the Brigade Operational Law Teams (BOLTs) involved in the exercises in an effort to help rotational JAs and 71Ds improve their respective contributions to their unit’s mission. These O/Cs also provide O/C coverage to JAs supporting EAD units. After-action reviews (AARs) are conducted after each operational phase and a final exercise review occurs at the exercise conclusion (ENDEX). Later, a Take Home Packet (THP) capturing O/C observations is provided to the BOLT and the unit.

#### **b. The National Training Center (NTC)**

The NTC is located at Fort Irwin, California, in the middle of the Mojave Desert. The NTC focuses primarily on training Brigade Combat Teams (BCTs) in mid-to-high intensity conflict. This training is accomplished through the use of realistic joint and combined arms training in contingency-based scenarios. NTC provides comprehensive force-on-force maneuver and live fire training.

The maneuver box at the NTC is as large as the state of Rhode Island—1,001 square miles. The depth and width of the battle space gives brigade elements the unique opportunity to exercise all of its elements in a realistic environment. This is often a unit’s only opportunity to test its combat service and combat service support elements over a doctrinal distance. BCTs must be able to communicate through up to 8 communications corridors, evacuate casualties over 40 kilometers, and navigate at night in treacherous terrain with few distinguishable roads. Other environmental conditions

such as a 40 to 50 degree diurnal temperature range, winds over 45 knots, and constant exposure to the sun stresses every system and soldier to their limit.

The NTC's training scenario is set on the fictional island of Tierra Del Diablo. The discovery of weapons grade Uranium in the disputed region of Parumphistan (a province of Mojave) led to increasing tensions between the U.S., the People's Democratic Republic of Krasnovia (a Warsaw pact nation and Soviet-style enemy), the Kingdom of Parumphia (a Krasnovian ally), and the Republic of Mojave (friendly, democratic, pro-western country). The Baja Republic to the south remains neutral. U.S. troops deploy to Mojave in support of the peace process and to aid in the defense of Mojave if necessary. The other group involved in the region is the Parumphian Peoples' Guerillas (PPG). This is a loosely organized group of terrorists / freedom fighters who want Parumphistan to return to Krasnovian control.

Each fiscal year, NTC conducts ten (10) rotations, each rotation consisting of 28 days. The first 5 days (RSOI 1-5) are spent generating combat power and integrating into the 52<sup>nd</sup> ID (M). During this period, there are host nation visits, demonstrations, stability and support operation (SASO) missions, media events and attacks by the PPG, which challenge the BCT JA and civil-military operations cell. The second phase, training days 6-9, is force-on-force training where the BCT conducts high intensity operations with the Krasnovian forces using MILES equipment. During this time period a BCT will normally conduct one defense in sector, two attacks and a movement to contact. The battle rhythm gives the BCT 24 hours between missions with two of the battles fought back-to-back. The third phase of the operation is live fire. This phase usually runs training days 9-14. NTC is the only facility in the U.S. Army that allows a full Brigade Combat Team to conduct both a live fire attack and a live fire defense integrating all of the Battle Operating Systems (BOSSs), including direct air support from the Air Force. The BCT then fights through the ground upon which it conducts the live fire. Live fire may also include an attack on a local village by light forces or MPs to clear PPG. The final 8 days of the operation is regeneration of combat power and redeployment.

JAs can expect to encounter numerous legal issues during all phases of the rotation. During the RSOI phase, JAs can expect to encounter issues involving humanitarian assistance operations, ROE, escalation of force, international agreements, and claims as well as emergency legal assistance and trial counsel duties. In the Force-On-Force/Live Fire Training phases, issues relating to civilians on the battlefield, media representatives, non-governmental organization visits, local government concerns and requests, guerrilla activity, and EPWs are typically encountered. Throughout the rotation, JAs are usually responsible for tracking fratricide and law of war violation reports and investigations. Regeneration has little legal "play," but this is where all of the "real world" issues tend to surface.

There are currently two JA O/Cs at NTC. One of the OCs is the primary JA trainer, responsible for teaching, coaching, and mentoring the JAs involved in the exercise. The other OC is a scenario writer, OC for the civilian on the battlefield (COB) program, and replicates the 52<sup>nd</sup> ID (M) SJA. There is a "Hummer top" AAR after each civilian event, and BCT-wide AARs at the end of RSOI and after each battle.

### **c. The Combat Maneuver Training Center (CMTC)**

The CMTC is located at Hohenfels, Germany. Until recently, CMTC was loosely considered the "NTC of Europe," focusing on force-on-force maneuver training. However, CMTC now boasts state-of-the-art MOUT and ancillary training facilities that allow CMTC to provide training in both combat operations and military operations other than war (MOOTW). The CMTC provides training across the spectrum of conflict, using scenarios developed from recent operations (Haiti, Somalia, Bosnia, and Kosovo, etc.) and mission rehearsals to prepare forces for deployment or likely contingency operations. The CMTC focuses on brigade and below commands and staffs, force-on-force maneuver training for armored and mechanized infantry battalions, company-level situational training exercises (STXs), and individual replacement training (IRT) for forces entering the Bosnia and Kosovo theaters of operations.

The maneuver "box" at the CMTC is 10 km x 20 km in area. The size of the "box" is ideal for battalion task force sized elements. Typically, a brigade headquarters will deploy to the CMTC and serve as the higher headquarters as each of its battalions rotates through their training exercise. At least twice during each rotation, two battalions operate in the "box" at one time. During these periods, the brigade headquarters also deploys into the "box" and operates with the two battalions, conducting both defensive and offensive operations. The brigade judge advocate functions within the brigade headquarters, responding to legal issues both during "brigade ops" and when only one battalion is in rotation.

CMTC offers training in both high-intensity conflict (HIC), force-on-force scenarios, and low-to-mid-intensity conflict (LIC/MIC), and military operations other than war (MOOTW). Except for mission-specific rehearsal exercises, CMTC uses the same general scenario. The HIC portion generally involves three neighboring countries, Sowenia, Vilslakia, and Juraland. Sowenia is a fledgling democracy and an ally with the United States and NATO. The Vilslakian government was recently overthrown by a military coup and is now making claims to a small portion of Sowenia, inhabited mostly by ethnic Vilslakians. Juraland struggles to remain neutral. The scenario begins either as a PSO scenario that moves to HIC when the Vilslakians cross the international border or it begins as a HIC rotation once the Vilslakians have already crossed the border.

CMTC conducts approximately 5 brigade rotations (up to 63 days each) per year, each with imbedded battalion rotations (25 days each). CMTC also conducts two Mission Rehearsal Exercises (up to 28 days each) per year and teaches 4 Individual Readiness Training Situational Training Exercises (IRT STX) per month. Each brigade rotation is comprised of up to 3 task forces and 1 Cavalry squadron. Rotations typically employ the 3-5-14-3 day rotational task force window model: 3 day deployment/MILES draw; 5 day company focus lane training (STXs); 14 day force-on-OPFOR maneuver exercise in movement to contact/attack/defend stages; and a 3 day recovery.

JAs can expect to encounter numerous legal issues at CMTC, whether involved in HIC or LIC/MIC. Issues that routinely arise include weapons and targeting, claims resulting from maneuver damage, the Law of War, armed civilians, and civilian protection.

There is currently one JA O/C at CMTC. The role of the JA O/C is to teach, coach, and mentor the JAs involved in the exercise. An AAR is conducted at the culmination of the unit's training exercise and the unit is provided a Take Home Package.

#### **d. The Battle Command Training Program (BCTP)**

The BCTP, the Army's capstone combat training center, is located at Fort Leavenworth, Kansas. BCTP supports realistic, stressful training for ASCC/ARFOR, Corps, Division, and Brigade commanders and supports Army components participating in joint exercises to assist the CSA in fulfilling his duties to provide trained and ready units to win decisively on the modern battlefield and to conduct contingency operations worldwide. BCTP uses simulation centers worldwide to train commands and staffs.

BCTP is composed of four Operations Groups (OPGPs A, B, C, and D) as well as a Headquarters, and the World Class Opposition Forces (WCOPFOR). The three JAs assigned to BCTP, the Operational Law Observer Controllers (OPLAW OCs), are assigned to the Headquarters and support each of the Operations Groups (OPGPs). Each OPGP is commanded by a colonel (Commander, Operations Group or COG) and has a unique mission. OPGPs A and B focus primarily on division and corps warfigther exercises (WFX). These two OPGPs have a combined capability to conduct 14 division WFXs per year. A corps WFX equals two division WFXs, as both OPGPs are required. They also conduct seminars, mission rehearsal exercises (MREs), and advanced-decision making exercises (ADMEs) for units deploying in support of peacekeeping operations. OPGP C focuses on training National Guard brigades and the Army's new Initial Brigade; and conducts 14 brigade rotations per year. Prior to each WFX conducted by OPGPs A, B, or C, each OPGP conducts a WFX seminar at Fort Leavenworth, Kansas or at the training unit's home station. OPGP D focuses on ASCC/ARFOR training and Army components participating in joint exercises. OPGP D does not normally conduct its own exercises. Instead, it observes its training audience while participating in a joint-conducted exercise.

BCTP differs from NTC, JRTC, and CMTC in that there is no tangible maneuver "box" at BCTP. Instead, all training is performed via computer simulation and centers around a notional computer-generated "box." Many spontaneous legal issues arise naturally during the course of a WFX (such as targeting issues, fratricides, and civilians on the battlefield). Additionally, OPGPs A, B, and C insert legal and information operations issues (such as law of armed conflict, ROE, international agreements, justification of the use of force, contract and fiscal law, military justice, foreign claims, and legal aspects of joint, inter-agency, non-governmental and international organization coordination) into the training scenario. JAs should also be prepared to face traditional issues, such as weapons utilization and targeting. The number of legal "events" inserted depends on the training unit and the SJA's training objectives; however, the JA Observer trainers have increased the number of events from about sixty to about ninety over the past training year. Many of the new events are focused at legal NCOs. The idea is to stress all members of a unit's legal team. Recent training units have reported experiencing a healthy degree of training stress. For corps and division WFXs, many of these issues

are inserted via the “Green Cell,” which is a neutral information operations exercise control cell tasked to bring greater training realism to the exercise. Normally, two JAs will be tasked to support the contractors in the “Green Cell” to provide legal guidance regarding the information operations issues and to insert the legal/operational law issues into the WFX.

Approximately 100 days before an OPGP A, B, or C exercise actually begins, the OPGP plans and executes a five to seven day Battle Command Seminar at Fort Leavenworth, Kansas. The Seminar is designed to afford the CG an opportunity to focus on the military decision-making process (MDMP) and build his battle command staff. A reduced staff from the training unit deploys to Fort Leavenworth, Kansas, to either the Battle Seminar Facility (for OPGPs A and B seminars) or the Leadership Development Center (for OPGP C Seminars), where they focus on doctrine and tactics. TRADOC Regulation 350-50-3 requires the Staff Judge Advocate and the Chief, Operational Law, attend the Battle Command Seminar.

The nature of operations at BCTP varies, as each WFX is geared to the training commander’s mission-essential task list (METL). Once the exercise actually begins, the JAs working in the “Green Cell” insert events into the exercise and the BCTP OC team observes the training unit’s response to these and any naturally occurring legal events during the WFX.

Every OPGP A, B, or C rotation includes at least two formal COG-lead AARs, lasting about 2 hours. In addition, the judge advocate OC team conducts an informal AAR for the JAs undergoing training.

#### **e. The Joint Warfighting Center (JWFC)**

Located in the Joint Training, Analysis, and Simulation Center (JTASC) in Suffolk, Virginia, the JWFC trains joint force commanders, staffs, and component forces operating as part of a joint or multinational force how best to accomplish joint mission-essential tasks specified by the supported combatant commander. There is one JA at the JWFC, a Navy Lieutenant Commander. The JWFC provides, among other things, extensive replication or role-playing of entities external to the training audience; robust scenarios; Joint Theater-Level Simulation or Joint Training Confederation architecture; in-depth, focused functional training; senior mentors; experienced observer/trainers; information operations and media play; and in-depth post-exercise analysis, summaries, and lessons learned. For more information, visit the JWFC web site at <http://www.jwfc.jfcom.mil/home.html>.

## **4. DEPLOYMENT PREPARATION**

*Be prepared. Once the order comes, it’s too late!*<sup>1</sup>

Deployment preparation falls into two categories: (1) General and (2) Mission-Specific. *General deployment preparation* should be continuous and ongoing. *Mission-specific deployment preparation* begins once a warning order is received or a deployment is imminent. Ongoing, general predeployment preparation is the key to success. There are many tasks the operational judge advocate, trial counsel/Brigade Operational Law Team (BOLT) Chief, and other attorneys can perform now and on a regular basis to better prepare them for a short-notice deployment. A few examples include:

- Have a predeployment SOP and checklists and rehearse them.
- War-game deployments. Walk up the escalating scale of contingencies with the Staff Judge Advocate. There should be an office-level plan detailing who will deploy and how deployed JAs positions will be back filled and/or their duties and responsibilities reassigned. This is a prime opportunity to tie in nearby Reserve Component JAs and develop a working relationship with them prior to the need arising.
- Have a “battle box” loaded with legal references, materials, the RDL (Rucksack Deployable Law Office and Library) and its supporting equipment, and office supplies.

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<sup>1</sup> Major Dale N. Johnson, Joint Task Force Aguila: Legal Operations After Action Review (AAR) (March 1999) (unpublished compilation of Hurricane Mitch disaster relief materials, on file with CLAMO).



- Run an effective Soldier Readiness Program (SRP) for supported units, saving last minute waves of wills, powers of attorneys, family support plan issues, etc.

Whether deploying to a Combat Training Center, another exercise, or an actual operation, the keys to predeployment preparation remain the same:

- Doctrine
- Training
- Leadership and Integration
- Legal Support Plan (Organization, Materiel, and Soldier considerations)

#### **a. Doctrine**

General deployment preparation must begin with the Judge Advocate General's Corps' keystone doctrinal publication for legal support to operations, FM 27-100. FM 27-100 explains the role of the JA, organization to support Army operations, operational law and the core legal disciplines, and legal support in theater operations, war, operations other than war, and domestic operations. It provides the basis for legal training, organizational, and materiel development. It contains guidance for Staff Judge Advocates and other legal personnel, as well as for commanders and their staffs. It implements relevant Joint and Army doctrine, incorporates lessons learned from recent operations, and conforms to Army keystone doctrine.

At the joint level, JAs should consult DRAFT JOINT PUB 1-04, JOINT TACTICS, TECHNIQUES, AND PROCEDURES FOR LEGAL SUPPORT TO MILITARY OPERATIONS, FINAL COORDINATING DRAFT (8 Feb. 2001). Deploying JAs must also be familiar with other Army doctrine, such as DEP'T OF THE ARMY FIELD MANUAL 101-5, STAFF ORGANIZATION AND OPERATIONS (31 May 1997).

#### **b. Training**

There is no substitute for tough, realistic training. Preparation for deployment requires training of three target audiences: JA personnel, commanders and their staffs, and troops. Training methods include individual training, leader/commander training, and collective training.

##### *(1) Judge Advocate Personnel*

Staff/Command Judge Advocates are responsible for implementing a training program for their legal personnel. This program should abide by the Army's principles of training. See FM 27-100, section 4.5, for a detailed description of these principles and how a training program should be established.

a. METL. A legal office or JAG training program must be integrated with the unit's overall mission and training program. This is done through the development of battle tasks and selection of those tasks that are mission essential to form the Mission Essential Task List (METL). Based on these tasks, subordinate collective and individual tasks are developed with conditions and standards.

b. Training Plan. Once the METL, battle, and supporting collective and individual tasks are identified, a *training plan* should be developed. The training plan should begin with an *assessment* of the unit's training status for each task—trained, needs improvement, or untrained. Then a long-range plan of specific training events and activities is developed to bring untrained tasks and tasks needing improvement to a trained level, while ensuring trained tasks remain so. The training program should be a cycle of assessment, training, evaluation, and retraining.

c. Common Soldier Task Training (CTT).<sup>2</sup> Training must address both the soldier and the lawyer—tactical skills and legal skills. Legal personnel must all train common soldier tasks. Often, it is possible to get this training from the supported combat units, providing an added opportunity for integration with supported units.

d. Legal Skills. In today's legally complex operations and conflicts, JAs must be "jacks of all trades," proficient in all of the core legal disciplines and legal functional areas.<sup>3</sup> Today's operational environment often requires JAs and their 27Ds to be geographically dispersed and to operate individually. Thus JAs and paralegal specialists must all train in each of the core legal disciplines. 27Ds should be able to recognize legal issues requiring JA attention ("issue spot"), know where to turn and research to get answers and guidance, initiate investigations and actions, and all other aspects of the delivery of legal services in a potentially austere environment.

e. Types (unit, office, individual). Legal personnel should use all training methods available. Unit collective training is a prime mode of conducting common task training. Office professional development sessions and mini-JA exercises are good for training JAs in the core legal disciplines and the practice of operational law. When field training opportunities arise, JAs should deploy and exercise their technical chains. Ultimately all JAs must proactively seek out resources, reading materials, and opportunities to train themselves.

## *(2) Commanders and Staff*

JAs know to train commanders and staffs in the critical operational issues of rules of engagement (ROE)<sup>4</sup> and law of war (LOW). However, general deployment preparation should also include a strong preventive law training program. For example, commanders and staffs should be trained on fiscal law principles and constraints. This will help prevent unauthorized commitments in operations and exercises. Preventive legal assistance instruction should educate commanders about the Soldiers and Sailors Civil Relief Act (SSCRA), basic tax filing and exemption considerations that accompany a deployed environment, and more.

## *(3) Soldiers*

JA-conducted ROE, Law of War, and Code of Conduct training of soldiers is the minimum requirement. However, like commanders and their staffs, soldiers also stand to gain from preventive law training in the core legal disciplines. Instruction on basic family and financial obligations and how they are affected by deployments should be part of ongoing general deployment preparation. Instruction on the concept and normal contents of general orders helps soldiers to understand the deployed disciplinary environment.

### **c. Leadership and Integration**

A critical lesson learned and observation from most every deployment is the importance of predeployment integration with the supported commander, staff, and unit. Judge advocates must take the initiative and proactively lead legal support to operations. This means focusing on deployment preparation, developing legal support plans (see para. d. below), and integrating with the unit. Efforts to integrate before an actual mission arises should include attending regularly scheduled meetings (training, command and staff), social events, field exercises, and key training events. Legal personnel should ensure that legal positions, proper handling of legal issues, and reporting requirements and formats (such as fratricides, law of war violations, and civilian casualties) are integrated into unit standing operating procedures (SOPs). Mission-specific integration should include attending planning meetings, situational updates, commander back briefs, and orders briefings.

### **d. Legal Support Plan (Organization, Materiel and Soldier considerations)**

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<sup>2</sup> See, e.g., DEP'T OF THE ARMY STP 21-1-SMCT, SOLDIER'S MANUAL OF COMMON TASKS, SKILL LEVEL 1 (October 1994).

<sup>3</sup> See DEP'T OF THE ARMY FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS (1 Mar. 2000). The six core legal disciplines are administrative law, civil law, claims, international law, legal assistance and military justice. The three legal functional areas are command and control, sustainment, and personnel service support (or support, for short). The practice of operational law consists of legal services that *directly* affect the *command and control* and *sustainment* of an operation.

<sup>4</sup> See CENTER FOR LAW AND MILITARY OPERATIONS, RULES OF ENGAGEMENT (ROE) HANDBOOK FOR JUDGE ADVOCATES, Ch.2 (1 May 2000) (for details on ROE training).

In *general* deployment preparation, the *legal support plan* is the *Deployment SOP*. The Deployment SOP should be constantly reviewed, revised and rehearsed. In *mission-specific* deployment preparation, the *legal support plan* is the *Legal Annex* to the Operations Order/Plan (OPORD/OPLAN). The legal support plan is the first and most significant task to be performed by a Staff or Command Judge Advocate in preparing for deployment.

For specific missions, decisions must be made as to the personnel, resources, materiel and equipment required to provide legal support throughout the phases of the operation and throughout the area of operations. The legal support plan must consider and support each phase of the operation. It should map out the personnel, resources, materiel and equipment needed, as well as where they are needed, and when and how they will get there. The plan should include legal personnel in the TPFDD (Time Phased Force Deployment Data) so they arrive in theater at appropriate times, meet load-out deadlines for vehicles and equipment, check with the signal officer as to what communications support will be available throughout the theater, etc. The legal support plan should be tied to both the Legal Preparation of the Battlefield (LPB) and METT-TC (Mission, Enemy, Terrain, Troops – Time Available and Civilians) analyses. The *Legal Annex* to the OPLAN/OPORD is a formal, written distillation of the legal support plan.

### (1) *Legal Preparation of the Battlefield (LPB)*

Even though the legal issues confronted by a JA in operations are varied, they are, to a great extent, predictable. Predicting legal issues in an operation is important because doing so contributes directly to the JA's planning and decision-making process. One method of predicting the legal issues is to read after action reports and lessons learned materials gathered and published by CLAMO. Another, proactive method of predicting legal issues is to conduct *Legal Preparation of the Battlefield*, or *LPB*.<sup>5</sup> LPB is a methodology, or a planning tool, derived from the Intelligence community's Intelligence Preparation of the Battlefield (IPB), to help the JA anticipate legal issues in operations. Simply put, the JA prepares a chart analyzing requirements from each core legal discipline for each phase of the operation (Figure 1).

Next the JA identifies those issues that are mission critical, and attempts to resolve them proactively—applies “preventive law” to any issues that can be addressed prior to deployment—and raises “show-stoppers” to the commander and his staff. This is done in the format of a *legal estimate*.

The resulting LPB product should also be used to create a *legal support plan*. As operations change over time and by phase, so will the type and quantity of legal issues. Phases of an operation may be generically labeled, such as mobilization and predeployment, deployment and entry, and redeployment and demobilization. Operations may have more mission-specific names, such as Joint Task Force Bravo's phases for the Hurricane Mitch relief operations in Honduras: readying, reaction, relief, and rebuilding.

The type and quantity of legal issues faced by JAs, as well as the quality of information available upon which to base analysis, and hence the basis of legal opinions, will vary by phase. This lesson was learned in Bosnia<sup>6</sup> and the Hurricane Mitch relief operations,<sup>7</sup> among others. The patterns of legal issues that developed during past operations may help JAs to conduct better legal preparation of the battlefield for future operations. Accurately predicting the flow of legal issues allows the JA to better tailor legal support to the specific operation. An important lesson learned about rapidly changing phases in an operation is that legal opinions can grow “stale” (become invalid or erroneous) with time. JAs must ensure legal opinions address each issue under the current facts and situation, and that commanders do not rely upon old or uniquely grounded opinions as a continued basis of authority.

### (2) *METT-TC*

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<sup>5</sup> Legal Preparation of the Battlefield (LPB) is a concept developed by then MAJ Geoffrey Corn of the International and Operational Law Department at the Judge Advocate General's School, Charlottesville, Virginia. A more complete explanation of the LPB process can be found in International and Operational Law Note, *A Problem Solving Model for Developing Operational Law Proficiency: An Analytical Tool for Managing the Complex*, ARMY LAW., Sep. 1998, at 36.

<sup>6</sup> See CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN THE BALKANS, 1995-1998: LESSONS LEARNED FOR JUDGE ADVOCATES, pp. 53-55 (13 Nov. 1998).

<sup>7</sup> See CENTER FOR LAW AND MILITARY OPERATIONS, LAW AND MILITARY OPERATIONS IN CENTRAL AMERICA: HURRICANE MITCH RELIEF EFFORTS, 1998-1999 – LESSONS LEARNED FOR JUDGE ADVOCATES (2000).

The Staff or Command Judge Advocate (SJA or CJA) must be part of the Military Decision Making Process (MDMP) and its seven-step process: (1) Receipt of mission; (2) Mission analysis; (3) Course of action development; (4) Course of action analysis; (5) Course of action comparison; (6) Course of action approval; and (7) Orders production.<sup>8</sup> Functions performed by staff members, to include the SJA/CJA, include providing information, making estimates, making recommendations, preparing plans and orders, and supervising the execution of decisions. Mission analysis is critical to the overall planning process and to the preparation of the legal support plan. *METT-TC* is an analytical tool critical to conducting mission analysis, creating the legal estimate, and creating a legal support plan. *METT-TC* requires the staff officer to consider the factors of Mission, Enemy, Troops, Terrain, Time available and Civilians. While LPB maps out the types and quantities of legal issues expected to arise through the operation, *METT-TC* analysis fills in the remaining gaps, context, and constraints. For example, by considering where friendly troops will be, what they will be doing, what enemy actions will likely occur, where displaced and/or host nation civilians are likely to be, etc., JAs can better decide where provision of legal support is most critical.

(3) *The Resulting Product: Legal Annex to the Operations Plan/Order (OPLAN/OPORD)*

LPB is a device for predicting the type and quantity of legal issues that will arise through the phases of an operation. LPB is interrelated with *METT-TC* analysis, as LPB is based in part on the projected phases of the operation. *METT-TC* should be done in conjunction with the commander and other staff members during the decision-making process. By tying together the LPB-predicted flow of legal issues with the concept and phases of the operation, an idea of *how many* JAs will be needed *where*, and at what times (*when*) may be developed. Then, after considering the overall task organization—units that will compose the deployed forces and their organic JA assets—the decision as to *who* (which specific JAs by name or position) will deploy is made. The result should be a written legal *annex* to the OPLAN/OPORD that summarizes the legal support to the operation throughout the area of operations for all needed phases.

NOTE: Sample Legal Annexes and other sample legal products may be found on several of CLAMO's databases, to include the operations databases and the *Sample Legal Products* database. (See par. 2.c. above for instructions on accessing the CLAMO databases.)

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<sup>8</sup> See DEP'T OF ARMY, FIELD MANUAL 27-100, LEGAL SUPPORT TO OPERATIONS, sec. 4.2 Planning and Decision-Making (1 Mar. 2000) and CENTER FOR LAW AND MILITARY OPERATIONS, RULES OF ENGAGEMENT (ROE) HANDBOOK FOR JUDGE ADVOCATES, Ch.1 (1 May 2000) (for detailed descriptions of the Military Decision Making Process and the JA's role therein).

<b>Functional Legal Areas Phases of Operation</b>	<b>Employment of Force</b>	<b>Treatment of Non- Combatants</b>	<b>Staff Integration &amp; Coordination</b>	<b>Money [Contract, Fiscal &amp; Claims]</b>	<b>Force Admin and Support</b>	<b>Force Discipline</b>
<b>Mobilization &amp; Predeployment</b>						
<b>ISB</b>						
<b>Counter Insurgency</b>						
<b>Defend</b>						
<b>Attack</b>						
<b>Post Conflict</b>						

Figure 1. Legal Preparation of the Battlefield.

